

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR

CM No. _____/2023

IN

Service Appeal No. 1796 /2023

Muhammad Hamayun

Vs

Govt of KPK Etc


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2.	Copy of notification dated 23-10-2023	X	3

Yours Humble Appellant

(Muhammad Hamayun)
Through Counsel

Dated: 03/11/2023


Khalid Mahmood
Advocate High Court
Stationed at D.I.Khan

(1)

**BEFORE THE HONORABLE SERVICE TRIBUNAL,
KHYBER PAKHTUNKHWA**

CM Petition No. _____/2023

in

Service Appeal No.1796 of 2023

Muhammad Hamayun

Vs

Govt of KPK Etc

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 8850

Dated 03-11-2023

APPLICATION WITH THE REQUEST TO SUSPEND THE OPERATION OF IMPUGNED NOTIFICATION No. SO(MC)E&SED/4-16/2023 / POSTING/SDEO(PA)/DIKHAN DATED: 23-10-2023 05/2023 ISSUED BY RESPONDENT NO 2, TILL FINAL DECISION OF SERVICE APPEAL AND IN THE MEANWHILE RESPONDENT MAY ALSO BE ABSATINED FROM TAKING ANY ACTION DETRIMENTAL TO THE SERVICE CAREER OF THE APPELLANT.

Respectfully Sheweth,

1. That a service appeal is pending before this Tribunal and fixed for today i.e 03-11-2023 at principle seat and grounds of same may please be considered as an integral part of the subject petition.
2. That appellant transferred from SDEO Paroa to Directorate and Respondent No. 5 (Teaching Cadre BPS 16) appointed as SDEO Paroa on OPS vide order dated 25-05-2023 and appellant challenged before Hon'ble Tribunal vide above titled appeal. And Hon'ble Tribunal suspended the notification dated 25-05-2023 vide order sheet dated 19-09-2023.
3. That appellant also filed COC petition No. 283/2023 before Peshawar High Court Peshawar which was fixed on 22-09-2023 and meanwhile respondent No. 2 cancelled the notification dated 25-05-2023 vide notification dated 21-09-2023, which also respondent No. 1 annexed with reply dated 13-10-2023 before Hon'ble Tribunal at page 7 of reply.
4. That on 19-10-2023 respondent No. 1 against transferred the appellant from the post of SDEO paroa to SDEO Dranzinda vide notification dated 19-10-2023 in utter violation of the order of Hon'ble Tribunal dated 19-09-2023 and appellant filed CM for suspension of notification dated 19-10-2023 before Hon'ble Tribunal on 26-10-2023 which is pending.
5. That respondent No. 2 reposted the private respondent No. 5 (**Muhammad Ishaq teaching Cadre BPS 16**) as SDEO paroa on OPS vide notification dated 23-10-2023, which is clear cut violation of judgments of Hon'ble Peshawar

(2)

High Court and judgment dated 20-09-2023 in service appeal No. 1061/2023 titled Mr. Kashif VS SMBR etc of this Hon'ble Tribunal. (Copy of notification dated 23-10-2023 is annexed as "X")

6. That the appellant has got a good prima facie case on law as well as on facts and there is every likelihood of the success of the service appeal. Hence balance of convenience tilts in favor of appellant.
7. That the impugned Notification is on the basis of nepotism and favoritism because the tenure of appellant has not been completed therefore in case of non-suspension of impugned notification, the appellant will suffer an irreparable loss.

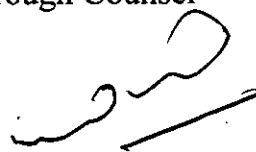
It is, therefore, humbly prayed that on acceptance of the present CM petition, the operation of impugned Notification dated 23.10.2023 may please be suspended and respondents may please be desisted from taking any action detrimental to the service career of appellant till decision of service appeal.

Yours Humble Appellant

Muhammad Hamayun

Through Counsel

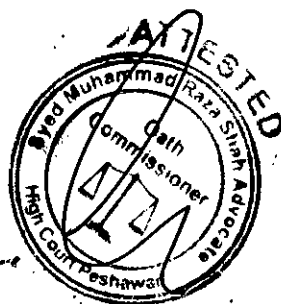
Dated: 03/11/2023


Khalid Mahmood,
Advocate High Court
Stationed at D I Khan
0336-4330001

AFFIDAVIT

I, Khalid Mahmood Advocate High Court Counsel for the appellant, do hereby solemnly affirm and declare on oath that all the Para-wise contents of this CM petition are correct and true to the best of my knowledge & belief. I further solemnly affirm and declare that no part of above CM petition is false and nothing material has been deliberately concealed.

03 NOV 2023




Deponent

12101-8684087-1

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block "A" Opposite MPX's Hotel, Civil Secretariat Peshawar
Phone No. 011-9410676

Dated 23rd October 2023

NOTIFICATION

NO.SO(MC)E&SED/4-16/2023/Posting/SDEO(Pa)/DIK: Muhammad Ishaq 55T 012

Sikandar Junaid D.I.Khan is hereby transferred and posted as SDEO (Male) Parozai D.I.Khan (in OPS) against the vacant post as a stop-gap arrangement till the arrival of regular incumbent with immediate effect

2. No TADA is allowed

SECRETARY TO GOVT: OF KHYBER PAKHTUNKHWA
E&SE DEPARTMENT

Endsl: of even No.& date:

Copy forwarded for information to the: -

1. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
2. Director EMIS, E&SE Department with the request to upload the same on the official website of the department.
3. District Education Officer (Male) D.I.Khan.
4. District Accounts Officers D.I.Khan
5. PS to Advisor to Chief Minister on E&SE Khyber Pakhtunkhwa.
6. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.

111 / 23.10.2023
SECTION OFFICER (Management Cadre)

Respected, S (3)

رسید شد
PDS-16

Amir (X)

Amir (3)

(3)

(X)

Amir